



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAY 19 2014

CERTIFIED MAIL 7005 3110 0000 5933 9329
RETURN RECEIPT REQUESTED

David Hall
President
University of the Virgin Islands (Evans Building)
2 Golden Grove
Christiansted, VI 00850

Re: Request for Information Pursuant to Section 1445 of the Safe Drinking Water Act
Docket Number SDWA-PWS-IR-14-006
Regarding Compliance with the Stage 1 Disinfectants and Disinfection Byproducts Rule

Dear Mr. Hall:

The United States Environmental Protection Agency (EPA) is responsible for assuring public water systems provide safe drinking water in accordance with the Safe Drinking Water Act (SDWA or Act), 42 U.S.C. §§ 300f - 300j-26, and the regulations promulgated pursuant to the Act. The enclosed information request is directed to the University of the Virgin Islands (Evan Building) and is issued pursuant to Section 1445 of the SDWA, 42 U.S.C. § 300j-4. SDWA Section 1445 and 40 Code of Federal Regulations (C.F.R.) Part 141 Subpart D (§ 141.31) authorizes the EPA to require the submittal of information so it can determine a public water system's compliance with federal drinking water regulations.¹ See Enclosure 1.

SDWA Section 1401, 42 U.S.C. § 300f, and 40 C.F.R. § 141.2 define a public water system as a system that provides piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A public water system includes any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. Based on information available to EPA including that contained in the Safe Drinking Water Information System (SDWIS), the University of the Virgin Islands owns or operates the Evans Building which utilizes groundwater and serves fewer than 10,000 persons. The University of the Virgin Islands (Evans Building) meets the definition of a public water system and, thus, must comply with requirements of the National Primary Drinking Water Regulations.

The EPA appreciates your prompt attention to this matter. Compliance with this information request is required by law. Failure to provide a complete and truthful response to this information request may subject you to an enforcement action by the EPA. Please note that the Agency will consider responses that are incomplete, ambiguous, or evasive as a failure to respond to this information request. False, fictitious, or fraudulent statements or representations may subject you to criminal

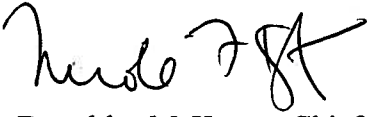
¹ This information request is exempt from the Paperwork Reduction Act, 44 U.S.C. § 3501, *et seq.*

penalties under 18 U.S.C. § 1001 or SDWA. The information you provide may be used in the EPA administrative, civil or criminal proceedings.

If you or your staff would like an opportunity to confer, have any questions, or would like to schedule a meeting relating to this information request, please contact Stephanie Sessoms-Midgett of my staff at (212) 637-3352. Further, if you believe that any of the requested information, if made public, would divulge trade secrets or secret processes, you may assert a confidentiality claim with respect to such information. *See* Enclosure 3. Also, enclosed is a document entitled EPA Small Business Resources - Information Sheet, which may assist you in understanding the compliance assistance resources and tools available to the University of the Virgin Islands. *See* Enclosure 4. However, any decision to seek compliance assistance at this time does not relieve the University of the Virgin Islands of its obligations to the EPA, does not create any new rights or defenses, and will not affect the EPA's decision to pursue enforcement action.

Thank you for your cooperation in this matter.

Sincerely,


Douglas McKenna, Chief
Water Compliance Branch

Enclosures:

- (1) Information Request
- (2) Statement of Certification
- (3) Confidential Business Information
- (4) EPA Small Business Resources - Information Sheet

Enclosure 1

Safe Drinking Water Act Section 1445 Information Request Directed to the University of the Virgin Islands

A. Instructions

1. Provide a separate narrative response to each request set forth below. Precede each response with the text and the number of the specific information request item, and its subpart if applicable, to which the response corresponds.
2. Any documents relied upon or used by you to answer any of the questions in this request must be copied and submitted with your response. All documents must be clearly labeled and contain a notation indicating the item and subpart of the item to which they are responsive, as well as the contents of the document.
3. If any item cannot be addressed in full, provide a response to the extent possible along with an explanation of why the item cannot be responded to in full. If your responses are qualified in any manner, please explain.
4. Provide the requested information in electronic format (or in a pdf) or written format.
5. The information should be submitted with an electronic file system that names each folder and file name in a manner that identifies the number of the corresponding request item and subpart to which it responds as well as a brief description of the contents of the individual file.
6. All records and documents that were created and/or relied upon in responding to any part of this request must be maintained until the EPA informs you that maintenance is no longer required.
7. All information submitted pursuant to this information request must be submitted to (mail one complete copy to the individual identified below):

Nicole Kraft, Chief
Groundwater Compliance Section
U.S. EPA, Region 2
290 Broadway, 20th Floor
New York, NY 10007-1866
8. If you find, at any time after the submission of your response, that any portion of the submitted information is no longer accurate, false and/or incomplete, you must notify the EPA of this fact immediately and provide a corrected response.
9. All responses to this request must be accompanied by a certificate that is signed and dated by you or the person who is authorized by you to respond to the request. The certification must state that the response is complete and contains all information and documentation available to you pursuant to the request. Enclosure 2 provides a Statement of Certification for this purpose.

B. Definitions

1. "Public water system" means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.
2. "Non-transient non-community water system" or NTNCWS means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year.
3. "Human consumption" means drinking, bathing, showering, hand washing, teeth brushing, food preparation, dishwashing, and maintaining oral hygiene.
4. "Disinfectant" means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.
5. "Total trihalomethanes" (TTHMs) means the sum of the concentration in milligrams per liter of the trihalomethane compounds (trichloromethane [chloroform], dibromochloromethane, bromodichloromethane and tribromomethane [bromoform]), rounded to two significant figures.
6. "Haloacetic acids (five)" (HAA5s) mean the sum of the concentrations in milligrams per liter of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid), rounded to two significant figures after addition.

C. Information to be Provided

Based on information available to EPA including that contained in SDWIS, EPA finds that the University of the Virgin Islands owns or operates the Evans Building that meets the definition of a public water system and, thus, the University of the Virgin Islands must comply with requirements of the Safe Drinking Water Act, 42 U.S.C. §§ 300f - 300j-26, and the Stage 1 Disinfectants and Disinfection Byproducts Rule, 40 C.F.R. 141 Subpart L. Pursuant to Section 1445 of the Safe Drinking Water Act, 42 U.S.C. § 300j-4, and 40 C.F.R. Subparts D, L and Q, the University of the Virgin Islands **shall provide EPA the following information within 30 days of receipt of this information request.**

1. When was the new pumping system serving the Evans Building installed?
2. When did the new pumping system become operational?
3. Provide confirmation that required annual sampling for TTHMs and HAA5s for calendar year 2012 and 2013 has taken place at the Evans Building. In addition, please confirm that the sampling coincided with "the point of maximum residence time during the month of warmest water temperature?"

4. Provide confirmation that the annual monitoring requirements for the Evans Building have been documented and included in the university procedures.
5. Provide confirmation that the appropriate public notification has been issued for failure to comply with the requirements of the Stage 1 Disinfectants and Disinfection Byproducts Rule.

Enclosure 2

STATEMENT OF CERTIFICATION

I certify that the information contained in or accompanying this submission is true, accurate, and complete.

As to the identified portion(s) of this submission for which I cannot personally verify its truth and accuracy, I certify as the company official having supervisory responsibility for the person(s) who, acting under my direct instructions, made the verification, that this information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By: _____
(Signature)

(Full Name Printed)

(Title)

(Date)

Enclosure 3

CLAIM OF TRADE SECRETS OR SECRET PROCESSES

Section 1445(d)(1) of the Safe Drinking Water Act states: Subject to paragraph (2), upon a showing satisfactory to the Administrator by any person that any information required under this section from such person, if made public, would divulge trade secrets or secret processes of such person, the Administrator shall consider such information confidential in accordance with the purposes of section 1905 of title 18 of the United States Code. If the applicant fails to make a showing satisfactory to the Administrator, the Administrator shall give such applicant thirty days' notice before releasing the information to which the application relates (unless the public health or safety requires an earlier release of such information).

Section 1445(d)(2) of the Safe Drinking Water Act states: Any information under this section (A) may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this title or to committees of the Congress, or when relevant in any proceeding under this title, and (B) shall be disclosed to the extent it deals with the level of contaminants in drinking water. For purposes of this subsection, the term "information required under this section" means any papers, books, documents, information, or any particular part thereof, reported to or otherwise obtained by the Administrator under this section.

Enclosure 4

[EPA Small Business Resources - Information Sheet] **[optional attachment if applicable]**

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/
business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printed Wiring Board Manufacturing

www.pwbrc.org

Printing

www.pneac.org

Ports

www.portcompliance.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Antimicrobial Information Hotline

info-antimicrobial@epa.gov or
1-703-308-6411

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act

[www.epa.gov/superfund/resources/
infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or
734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline -

to report oil and hazardous substance spills
www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)

www.epa.gov/opptintr/ppic or
1-202-566-0799

Safe Drinking Water Hotline

[www.epa.gov/safewater/hotline/index.
html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Wetlands Information Helpline

www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center

www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/compliance/incentives/smallbusiness/index.html

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www.epa.gov/compliance/incentives/auditing/auditpolicy.html

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at www.sba.gov/ombudsman.

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.